

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

Senate Engrossed
FILED
JANICE K. BREWER
SECRETARY OF STATE

CHAPTER 8

SENATE BILL 1018

AN ACT

AMENDING SECTION 12-1178, ARIZONA REVISED STATUTES; RELATING TO THE WRIT OF
RESTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-1178, Arizona Revised Statutes, is amended to
3 read:

4 12-1178. Judgment; writ of restitution; limitation on issuance;
5 criminal violation; notice

6 A. If the defendant is found guilty OF FORCIBLE ENTRY AND DETAINER OR
7 FORCIBLE DETAINER, the court shall give judgment for the plaintiff for
8 restitution of the premises, for all charges stated in the rental agreement
9 and for damages, attorney fees, court and other costs and, at the plaintiff's
10 option, all rent found to be due and unpaid through the periodic rental
11 period, as described in section 33-1314, subsection C, as provided for in the
12 rental agreement, and shall grant a writ of restitution. The person
13 designated by the judge to prepare the judgment shall ensure that the
14 defendant's social security number is not contained on the judgment.

15 B. If the defendant is found not guilty OF FORCIBLE ENTRY AND DETAINER
16 OR FORCIBLE DETAINER, judgment shall be given for the defendant against the
17 plaintiff for damages, attorney fees and court and other costs, and if it
18 appears that the plaintiff has acquired possession of the premises since
19 commencement of the action, a writ of restitution shall issue in favor of the
20 defendant.

21 C. No writ of restitution shall issue until the expiration of five
22 calendar days after the rendition of judgment. The writ of restitution shall
23 be enforced as promptly and expeditiously as possible. The issuance or
24 enforcement of a writ of restitution shall not be suspended, delayed or
25 otherwise affected by the filing of a motion to set aside or vacate the
26 judgment or similar motion unless a judge finds good cause.

27 D. A defendant who is lawfully served with a writ of restitution and
28 who remains in or returns to the dwelling unit, as defined in section
29 33-1310, or remains on or returns to the mobile home space, as defined in
30 section 33-1409, or the recreational vehicle space, as defined in section
31 33-2102, without the express permission of the owner of the property or the
32 person with lawful control of the property commits criminal trespass in the
33 third degree pursuant to section 13-1502.

34 E. If the defendant is found guilty ~~under subsection A of this section~~
35 OF FORCIBLE ENTRY AND DETAINER OR FORCIBLE DETAINER, the court shall give the
36 defendant notice that a defendant who is lawfully served with a writ of
37 restitution and who remains in or returns to the dwelling unit or ~~remaining~~
38 REMAINS on or returns to the mobile home space or the recreational vehicle
39 space without the express permission of the owner of the property or the
40 person with lawful control of the property commits criminal trespass in the
41 third degree pursuant to section 13-1502.

APPROVED BY THE GOVERNOR APRIL 4, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2008.

Passed the House April 1, 20 08,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate February 11, 20 08,

by the following vote: 25 Ayes,

1 Nays, 4 Not Voting

President of the Senate

Charmine Ballington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

2nd day of April, 20 08

at 2:01 o'clock P M.

Jennifer Ybarra
Secretary to the Governor

Approved this 4 day of

April, 20 08,

at 8:40 o'clock A M.

Jon R. Huntsman
Governor of Arizona

S.B. 1018

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of April, 20 08,

at 12:40 o'clock P M.
Janice K. Brewer
Secretary of State